DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
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> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-8, 12-15, 36, and 37 are rejected under 35 U.S.C. 102 (e) as being anticipated by Jensen et al. (US 20040147268A1).

Regarding claims 1 and 37, Jensen et al. directs a system/method for generating an invocation response, said invocation response containing a location invocation document including at least an instruction directed to said networked entity to transmit location information being provided for performing location-based services being operated on a serving entity (Jensen et al., abstract; page 1, paragraph 0005, 0006, 0035, and 0036); binding said invocation response to a communication protocol defining a header section and a body section (paragraph 0037); said location invocation document being comprised in said body section (Jensen et al., paragraph 0040 and 0041), and transmitting said invocation response to said networked entity (Jensen et al.,

figure 2, paragraph 0037, and 0041, after collecting location data from the origin server, the mobile station sends a new request message as represented by arrow 204).

As to claim 2, Jensen et al. further discloses receiving an application request, said application request containing at least an instruction for requesting location service requiring location information to be performed (paragraph 0035); parsing said application request for extracting information comprised in said application request (paragraph 0040, the WAP gateway is used in parsing the application request in order to convert the request information prior to forwarding information to the origin server); identifying location information from the extracted information (paragraph 0042); and in case said identifying of said location information fails; initiating said generating of said invocation response (figure 2).

As to claims 5, and 36, Jensen et al. further discloses a system/method for transmitting location information to a serving entity operating location-based services, comprising: generating a delivery request said delivery request containing a location delivery document including location information (see paragraph 0034 and 0035, the mobile station 100 makes a request for service from the origin server 110; then Jensen teaches that in responsive to the request for services, the origin server (110) sends a message, that includes a request for location information, to the mobile station), said location information being provided for performing location-based services being operated on said serving entity (paragraph 0035, the location information is provided by the origin server in

response to the request from mobile station 100); said delivery request requesting the results of said location-based services (paragraph 0035); binding said delivery request to a communication protocol defining a header section and a body section (figure 2); said location delivery document being comprised in said body section; and transmitting said delivery request to said serving entity (paragraph 0039, and 0040).

As to claim 8, Jensen et al. further discloses "receiving an application request; said application request containing information in accordance with said performing of location-based services being operated on said serving entity" (paragraph 0035, the origin server 110 receives an application request from the mobile station 100, and in response to the request, the server 110 sends a response message to the mobile station 100).

As to claims 3 and 6, Jensen et al. further discloses that location invocation document is encoded as an XML-based (Jensen et al., paragraph 0038).

As to claims 4 and 7, Jensen et al. further discloses communication protocol is a wireless application protocol (WAP) (Jensen et al., paragraph 0038).

As to claims 12-15, Jensen et al. illustrate the mobile station (100) as a GSM mobile telephone is connected to a wireless network (102), the wireless network (102) is connected to a WAP gateway (104) via a connection (114), the WAP gateway (104) is connected to the Internet (108) via the connection (116), and the origin server (11) connects to the Internet (108) via a connection (120). Thus, the mobile station is provided to communicate with the origin server (11)

via the wireless network and Internet. And therefore, in order to establish the communication with said server, the mobile station of (100) is necessary to include a computer program for requesting location information form the origin server.

Response to Arguments

Applicant's arguments filed 3/3/2008 have been fully considered but they are not persuasive.

In response to the applicant's remarks regarding the rejection of the claims said above, the examiner has reviewed the art rejection in view of the cited reference to Jensen et al.

The applicant traversed the rejection because, according to the applicant, the paragraph 34 of Jensen describes a "request for services," but that "request for services" does not include location information as presently claimed in claim 5. It is not persuasive because Jensen directs to a system/method of utilizing location based services in a mobile entity comprising the act of transmitting or delivering a request for location information from an origin server to the mobile entity. As set forth in paragraph 0034, the mobile station (100) makes a request for services from the origin server (110), and in the next paragraph 0035, Jensen teaches that in responsive to the request for services, the origin server (110) sends a message, that includes a request for location information, to the mobile station. Therefore, the origin server (110) generates a delivery request, wherein said delivery request contains location information.

For that reason, the claims said above cannot be patentable over the cited prior art.

Conclusions

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan C To/

Primary Examiner of Art Unit 3663/3600

June 19, 2008